

REMARKS

In the Office Action dated August 11, 2005, claims 1-25 were presented for examination. The Examiner rejected claims 1-25 under 35 U.S.C. §102(b).

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application. The following remarks are provided in support of the pending claims and responsive to the Office Action of August 11, 2005 for the pending application.

I. Rejection of claims 1-25 under 35 U.S.C. §102(b)

Claims 1-25 were rejected under 35 U.S.C. §102(b) as being anticipated by *Robertson*, U.S. Patent No. 5,850,632.

Applicant hereby incorporates the comments and remarks made to the *Robertson* patent '632 in response to the Non-Final Office Action dated February 23, 2005.

As noted in the response to the Office Action of February 23, 2005, *Robertson* '632 pertains to a multiprocessor integrated circuit for image and graphics processing. *Robertson* '632 clearly utilizes hardware elements for mediating access to system memory. As noted by the Examiner, *Robertson* '632 shows memory access cycles to determine replacement of prior cache entries. See Col. 31, lines 17-19. However, Applicant is not replacing cache entries, nor is Applicant claiming such an element. Rather, Applicant is setting the ordering of write operations with respect to a change in a shared resource, as reflected in the pending claims. In the Response to the Non-Final Office Action dated February 23, 2005, Applicant amended claims 1, 12, and 22 to include the element of a pointer to a new element in a shared resource and the ordering of write operations with respect to the pointer. The Examiner notes the amended claim language in the outstanding Office Action with respect to claims 1 and 12 on page 3, lines 4-7 and with respect to claim 22 on page 7, lines 19-22.

Applicant has reviewed the *Robertson* '632 patent in its entirety and cannot find a reference to the term "pointer" - which is included in the amended language in Applicant's pending claims. Nor can Applicant find a reference to the terms "program", "counter", "program counter", or "PC", as noted by the Examiner in the outstanding Office Action. In searching the *Robertson* patent '632 there is no support in the specification for any of these terms. Applicant selected the amended elements in claims 1, 12, and 22 based upon the supporting language in the original specification and in view of the *Robertson* '632 patent to further distinguish Applicant's claimed invention. "A pointer is a programming language datatype whose value refers directly to ("points to") another value stored elsewhere in the computer memory using its address." See Exhibit A. Conversely, a register is "A, special, high-speed storage area within the CPU." See Exhibit B. Both of these terms are well known in the art. A pointer is a software element, and a register is a hardware element. By equivocating the term pointer with register, the Examiner is borrowing a hardware tool and using it in a software solution. The *Robertson* '632 patent focuses on cache memory to store configuration information and employs the use of a hardware register therewith. In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). *Robertson* '632 does not expressly or inherently teach or suggest a pointer, as claimed by Applicant, a clear requirement to meet the limitations of 35 U.S.C. §102(b). Accordingly, Applicant respectfully disagrees with the Examiner pertaining to the teaching in *Robertson* '632 of the pointer element as claimed by Applicant.

Furthermore, amended claims 1 and 12 include a limitation pertaining to use of "force" associated with execution of write operations to non-local memory. After reviewing the *Robertson* '632 patent in its entirety, Applicant can only find one reference to the term "force". This is found in Col. 30, line 43. The use of force in *Robertson* '632 pertains to an occurrence of a row access with respect to subsequent accesses. However, Applicant's use of force does not relate to a row access. Rather, Applicant's use of force as claimed relates to a write operation to

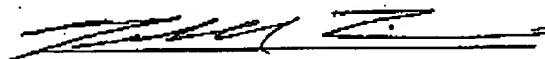
non-local memory preceding a pointer store operation. There is no teaching, expressly or inherently, in *Robertson* '632 to extend the use of force to a write operation to non-local memory preceding a pointer store operation, especially since *Robertson* '632 does not teach a pointer.

In order to assert a rejection under 35 U.S.C. §102(b), a single prior art reference must expressly or inherently teach all of the claimed limitations. Applicant respectfully disagrees with the Examiner's assertions, and challenges whether the Examiner has met his burden. The Examiner is applying a patent that teaches a hardware solution for an application that teaches a software solution. Hardware and software solutions utilize different tools to solve different problems. Pointers and hardware registers are not interchangeable. Similarly, the Examiner has not provided a cite to *Robertson* '632 that explicitly teaches the use of "force" as claimed by Applicant. In reviewing the 42 columns and 8 drawing figures of *Robertson* '632 there is only one citing of the term "force", and this citing does not pertain to "forcing said write operating to non-local memory to precede storing said pointer to said new element of said shared resource" as provided in claim 1, nor does it pertain to "a specially instruction to force execution of said write operations to non-local memory to precede storage of a pointer to a new element of a shared resource" as provided in claim 12. Neither of these limitations can be met since *Robertson* '632 does not teach or suggest use of a pointer. Accordingly, since *Robertson* '632 clearly does not expressly or inherently describe each and every limitation as claimed by Applicant, Applicant respectfully requests the Examiner to remove the rejection set forth in the outstanding Office Action and to issue an allowance of the pending claims.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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